

Attorney Docket No.: J3715(C)
Serial No.: 10/550,622
Filed: August 3, 2006
Confirmation No.: 4634

REMARKS

In a conversation on or about November 20, the undersigned made enquiry of Examiner Yu as to the status of claims 15 and 16, which claims, though indicated to be included under final rejection in Advisory Action of September 18, 2009, **were not dealt with in any substantive rejections that had not been otherwise removed.** After reviewing the claims against Clapp et al. (US 6887859; the only citation being applied in the Final Rejection), the Examiner indicated that she would consider such claims to be allowable over same.

As set forth above, claim 1 has been amended to specify that, exclusive of the pressure sensitive adhesive, the emulsion (i.e., the emulsion of silicone pressure sensitive adhesive and hydrocarbon-containing non-silicone organic solvent in water) is free of silicone-based solvent. It is respectfully submitted that such amendment moots the 35 U.S.C. §112 rejection of claim 1 and the claims depending from same.

Claim 1 has been further amended to further specify water (in addition to water present in the silicone pressure sensitive adhesive emulsion), as an additional component of the claimed mousse. See, for example, page 19, lines 9 to 12. As amended, claim 1 further specifies the following as additional optional components: surfactant (in addition to surfactant present in the silicone pressure sensitive adhesive), hair styling polymer, perfume oils, polymer plasticising agents, solvent (in addition to solvent present in the silicone pressure sensitive adhesive), and one or more additional components suitable for rendering the compositions aesthetically acceptable or to aid use. See, for example, page 19, lines 18 to 20; page 10, lines 23 to 25; and page 33, lines 1 to 14. Additionally, claim 1 has been amended to specify that the additional components suitable for rendering the compositions aesthetically acceptable or to aid use are soluble in water and/or solvent components of the composition. See, for example, page 19 lines 9 to 20, wherein the specification

Attorney Docket No.: J3715(C)
Serial No.: 10/550,622
Filed: August 3, 2006
Confirmation No.: 4634

provides that the water or solvent components can either be a carrier **or solvent** for other components. It follows that, if the water or solvent components are a solvent for other components, such components are soluble therein. Accordingly, it is respectfully submitted that such disclosure provides support for the requirement that the additional components suitable for rendering the compositions aesthetically acceptable or to aid use are soluble in the water or solvent components of the composition.

Claim 18 has been amended to clarify that the silicone pressure sensitive adhesive comprises a polydiorganosiloxane that has been condensed with a silicate resin. See, for example, page 3 line 30 to page 4, line1 and page 5, lines 1 to 2.

Pursuant to the Office Action of May 29, 2009, claims 1, 3-5, 7, 8, 10, 11, 13, 18 and 19 were rejected under 35 USC103(a) over Clapp (US 6887859). This rejection is respectfully traversed.

In the practice of the subject invention, the silicone pressure sensitive adhesive, prior to its incorporation into the subject hair treatment compositions, is mixed with a **hydrocarbon-containing non-silicone organic solvent**, and the resulting mixture is emulsified in water using one or more surfactants selected from the group consisting of anionic surfactants, non-ionic surfactants, and blends thereof.

The subject inventors have found that in a leave-on styling mousse, solvent selection has a real and critical effect on the styling performance of the pressure sensitive adhesive emulsion. In such applications, emulsions in which the solvent component is a hydrocarbon-containing non-silicone organic solvent have been found to provide better high humidity curl retention than emulsions wherein the solvent component is a silicone solvent. Reference is made to the curl retention data of Example 4 and Comparative Example C discussed in Applicants' prior response. The curl retention data evaluates hair switches that were treated with a test mousse

Attorney Docket No.: J3715(C)
Serial No.: 10/550,622
Filed: August 3, 2006
Confirmation No.: 4634

composition, wound on a pegboard and placed in a drying cabinet at 65°C and 10% relative humidity for 3 hours. Prior to removing the curls, the pegboards were left at ambient condition for thirty minutes. The curls were then hung on a panel and placed in a humidity chamber at 30°C **and 90% relative humidity**, a very humid environment. The curls were photographed every five minutes. The digital images generated were converted into grey-scale images then binary form (made up of black and white pixels). The pixel data was used to plot a projection area that served as a measure of the extent to which the switches spread out and lost curl over a period of 1 hour. The projection area was normalized by taking the ratio of the projection area to the average switch projection area calculated for switches treated with the Example 4 composition. The normalized projection data for hair switches treated with the Comparative Example C composition shows a significant loss of curl compared to hair switches treated with Example 4. (i.e., a normalized projection area of 1.27 ± 0.13 with the Example 4 data representing a projection area of 1). The Comparative Example C data represents a normalized projection area that is significantly greater than that of Example 1, i.e., the Example 4 components provided substantially greater high humidity control than the Comparative Example C. **Thus, choice of solvent in the pressure-sensitive adhesive-containing emulsion** was found to significantly impact the performance of the pressure sensitive adhesive in high humidity applications. That solvent selection so affects styling performance is surprising and unexpected, as is improving the high humidity styling performance of a leave-on styling mousse through the incorporation of pressure sensitive adhesive-containing emulsion formulated as described by the subject claims.

Clapp et al. is directed to the use of pressure sensitive adhesive in body powder formulations to improve the adhesion of the fluid absorbing powders to the skin. The body powder can be aerosolized, but it is not a hair mousse. Additionally, there is nothing in Clapp et al. that discloses or suggests improving the high humidity styling

Attorney Docket No.: J3715(C)
Serial No.: 10/550,622
Filed: August 3, 2006
Confirmation No.: 4634

performance of a leave-on hair styling mousse through the incorporation of an emulsion that is a mixture of a silicone pressure sensitive adhesive and a hydrocarbon-containing non-silicone organic solvent, **said mixture having been emulsified in water using one or more surfactants selected from the group consisting of anionic surfactants, non-ionic surfactants, and blends thereof.** Moreover, the subject amendment is believed to exclude fluid absorbing powders, an essential feature of Clapp et al., from the claimed compositions

The terminal disclaimer previously submitted is believed to moot the prior rejection over Dhamdhere et al. (US 6787130) and co-pending Serial No. 10/550623.

In light of the above amendments and remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney kindly requests the Examiner to telephone at the number provided.

Respectfully submitted,
/Karen E. Klumas/

Karen E. Klumas
Registration No. 31,070
Attorney for Applicant(s)

KEK/sa
(201) 894-2332